

(v) Abeam of position 41°43'01.4" N; 071°20'41.7" W (Conimicut Light (LLNR 18305)).

(5) Vessels over 65 feet in length out-bound for sea down from Mount Hope Bay through Narragansett Bay are required to make SECURITE calls on VHF channels 13 and 16 at the following geographic locations:

(i) One-half hour prior to departure from the berth;

(ii) At departure from the berth; and

(iii) At position 41°39'32.4" N; 071°14'02.6" W (Mount Hope Bay Junction Lighted Gong Buoy "MH" (LLNR 18790)).

(6) Vessels 65 feet and under in length, and all recreational vessels, when meeting deep draft commercial vessel traffic in all locations within this RNA shall keep out of the way of the oncoming deep draft commercial vessel. Nothing in this regulation, however, relieves a vessel of any duty prescribed in the Inland Navigation Rules (set forth in 33 U.S.C. 2005 *et seq.*)

(7) The Captain of the Port (COTP) Southeastern New England may authorize a deviation from these regulations. Parties wishing to request a deviation must do so in advance by contacting the COTP Southeastern New England, at 508-457-3211, or via VHF Channel 13 (156.7 MHz), or VHF channel 16 (156.8 MHz). Any person or vessel receiving permission from the COTP to deviate from these regulations must comply with any specific instructions provided by the COTP.

(c) *Enforcement.* Violations of this RNA should be reported to the COTP Southeastern New England at 508-457-3211. Persons found in violation of these regulations may be subject to civil or criminal penalties as provided for in 33 U.S.C. 1232.

[USCG-2009-0143, 75 FR 15347, Mar. 29, 2010]

**§ 165.123 Cruise Ships, Sector Southeastern New England Captain of the Port (COTP) Zone.**

(a) *Location.* The following areas are security zones: All navigable waters within the Southeastern New England Captain of the Port (COTP) Zone, extending from the surface to the sea floor:

(1) Within a 200-yard radius of any cruise ship that is underway and is

under escort of U.S. Coast Guard law enforcement personnel or designated representative, or

(2) Within a 100-yard radius of any cruise ship that is anchored, at any berth or moored.

(b) *Definitions.* For the purposes of this section—

*Cruise ship* means a passenger vessel as defined in 46 U.S.C. 2101(22), that is authorized to carry more than 400 passengers and is 200 or more feet in length. A *cruise ship* under this section will also include ferries as defined in 46 CFR 2.10-25 that are authorized to carry more than 400 passengers and are 200 feet or more in length.

*Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP to act on the COTP's behalf. The designated representative may be on a Coast Guard vessel, or on-board Federal, state, or a local agency vessel that is authorized to act in support of the Coast Guard.

*Southeastern New England COTP Zone* is as defined in 33 CFR 3.05-20.

(c) *Enforcement.* The security zones described in this section will be activated and enforced upon entry of any cruise ship into the navigable waters of the United States (see 33 CFR 2.36(a) to include the 12 NM territorial sea) in the Southeastern New England COTP zone. This zone will remain activated at all times while a cruise ship is within the navigable waters of the United States in the Sector Southeastern New England COTP Zone. In addition, the Coast Guard may broadcast the area designated as a security zone for the duration of the enforcement period via Broadcast Notice to Mariners.

(d) *Regulations.* (1) In accordance with the general regulations in 33 CFR part 165, subpart D, no person or vessel may enter or move within the security zones created by this section unless granted permission to do so by the COTP Southeastern New England or the designated representative.

(2) All persons and vessels granted permission to enter a security zone must comply with the instructions of the COTP or the designated representative. Emergency response vessels are authorized to move within the zone,

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but must abide by the restrictions imposed by the COTP or the designated representative.

(3) No person may swim upon or below the surface of the water within the boundaries of these security zones unless previously authorized by the COTP or his designated representative.

(4) Upon being hailed by a U.S. Coast Guard vessel or the designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

(5) Vessel operators desiring to enter or operate within the security zone shall contact the COTP or the designated representative via VHF channel 16 or 508-457-3211 (Sector Southeastern New England command center) to obtain permission to do so.

[USCG-2010-0803, 76 FR 41075, July 13, 2011]

§ 165.125 Regulated Navigation Area; EPA Superfund Site, New Bedford Harbor, Massachusetts.

(a) Location. The regulated navigation area encompasses all waters bounded by a line beginning at 41°37'22.5" N, 070°54'34.1" W; thence to 41°37'14.4" N, 070°54'19.6" W; thence to 41°36'58.5" N, 070°54'08.1" W; thence to 41°36'45.0" N, 070°54'26.9" W; thence along the shoreline and south side of the hurricane barrier to the beginning point.

(b) Regulations. (1) All vessels and persons are prohibited from activities that would disturb the seabed within the regulated navigation area, including but not limited to anchoring, dragging, trawling, and spudding. Vessels may otherwise transit or navigate within this area without reservation.

(2) The prohibition described in paragraph (b)(1) of this section shall not apply to vessels or persons engaged in activities associated with remediation efforts in the New Bedford Harbor Superfund Site, provided that the Coast Guard Captain of the Port (COTP) Southeastern New England, is given advance notice of those activities by the U.S. Environmental Protection Agency (EPA).

(c) Waivers. The Captain of the Port (COTP) Southeastern New England may, in consultation with the U.S. EPA, authorize a waiver from this section if he or she determines that the proposed activity can be performed

without undue risk to environmental remediation efforts. Requests for waivers should be submitted in writing to Commander, U.S. Coast Guard Sector Southeastern New England, 1 Little Harbor Road, Woods Hole, MA, 02543, with a copy to the U.S. Environmental Protection Agency, Region 1, New Bedford Harbor Remedial Project Manager, 5 Post Office Square, Suite 100 (OSRR07), Boston, MA 02109, to facilitate review by the EPA and U.S. Coast Guard.

[USCG-2010-1119, 76 FR 35744, June 20, 2011]

§ 165.130 Sandy Hook Bay, New Jersey—security zone.

(a) Naval Ammunition Depot Piers. The navigable waters within the following boundaries are a security zone: A line beginning on the shore at 40°25'55.6" N, 074°04'31.4" W; thence to 40°26'54.0" N, 074°03'53.0" W; thence to 40°26'58.0" N, 074°04'03.0" W; thence to 40°27'56.0" N, 074°03'24.0" W; thence to 40°27'28.5" N, 074°02'10.4" W; thence to 40°26'29.5" N, 074°02'51.2" W; thence to 40°26'31.4" N, 074°02'55.4" W; thence to 40°25'27.1" N, 074°03'39.7" W; thence northwest along the shoreline to the beginning point.

(b) Terminal Channel. The waters within the following boundaries are a security zone—A line beginning at 40°27'41.2" N, 74°02'46" W; then to 40°28'27" N, 74°02'17.2" W; then to 40°28'21.1" N, 74°02'00" W; then to 40°28'07.8" N, 74°02'22" W; then to 40°27'39.8" N, 74°02'41.4" W; then to the beginning.

(c) The following rules apply to the security zone established in paragraph (b) of this section (Terminal Channel) instead of the rule in §165.33(a):

(1) No vessel shall anchor, stop, remain or drift without power at any-time in the security zone.

(2) No vessel shall enter, cross, or otherwise navigate in the security zone when a public vessel, or any other vessel, that cannot safely navigate outside the Terminal Channel, is approaching or leaving the Naval Ammunition Depot Piers at Leonardo, New Jersey.

(3) Vessels may enter or cross the security zone, except as provided in paragraph (c)(2) of this section.